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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,496	04/17/2007	James Eldon	006474.00011	4601
22907 7590 09/14/2010 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER DANIELS, ANTHONY J				
ART UNIT		PAPER NUMBER		
2622				
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09/14/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,496

Applicant(s)

ELDON ET AL.

Examiner

ANTHONY J. DANIELS

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-20, 22-28 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-20 and 22-28 is/are allowed.
- 6) ☒ Claim(s) 28 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment, filed 7/1/2010, has been entered and made of record. Claims 1,4-20,22-28 and 32 are pending in the application.

Response to Arguments

1. Applicant's arguments regarding claim 14 have been fully considered but they are not persuasive. Applicant states that no basis of rejection has been provided for claim 14. However, pp. 10 and 11 clearly set forth a rejection under 35 U.S.C. 103(a).
2. Applicant's arguments regarding claim 28 and the rejection of record for this claim have been fully considered but they are not persuasive.

In this Office Action, claim 1 is allowed. Applicant states features that are allegedly undisclosed in Hiroyasu et al., Goldenberg et al. and Song are included in claim 28. The examiner respectfully disagrees with this statement and submits that the allowed features (see below) are not included in claim 28 and the amended features of claim 28 are taught by the Hiroyasu et al. in view of Goldenberg et al. and Song combination. See the rejection of claim 28 below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 28 and 32 rejected under 35 U.S.C. 102(b) as being unpatentable over Hiroyasu et al. (US 2003/0210440) in view of Goldenberg (US # 5,363,089) and further in view of Song (US 2002/0025827).

Please note the analysis for the combination of Hiroyasu et al., Goldenberg and Song in the Office Action dated 4/1/2010.

As to claim **28**, Hiroyasu et al., as modified by Goldenberg and Song, teaches a handheld electronic device (see Hiroyasu, Figures 1,5 and 6) comprising a first rotatable body member (see Hiroyasu, body section “13”), a second rotatable body member (see Hiroyasu, display section “11”), a third rotatable body member (see Song, Figure 1, antenna “28” and see Hiroyasu, Figure 1, camera “22” in hinge “12”) and a handheld electronic device hinge (see Hiroyasu, Figure 5, hinge “12”), said handheld electronic device hinge being disposed between said first, second and third rotatable body members (see Hiroyasu, Figure 5) whereby said first, second and third rotatable body members are rotatable relative to each other (see cited portions of Song as well) and wherein said first rotatable body member comprises a keypad (see Hiroyasu, keyboard “34”) rotatable about a first axis (see Hiroyasu et al., Figure 5, axis “12-1”), said second rotatable body member comprises a view screen (see Hiroyasu, Figure 1, LCD unit “18”) and said third rotatable body member comprises a camera (see Hiroyasu, Figure 1, camera unit in hinge “12”) wherein said second rotatable body member is rotatable around two perpendicular axes including the first axis and a second axis relative to said first rotatable body member (see Hiroyasu, Figure 6, axes “12-1” and “11-6”), and wherein said third rotatable body member is

rotatable around two perpendicular axes relative to said second rotatable body member independently of the rotation of said second rotatable body member about the first axis (see Song, Figure 1 and Goldenberg, Figures 1 and 2).

As to claim 32, Hiroyasu et al., as modified by Goldenberg and Song, teaches a handheld electronic device according to claim 28, wherein said second rotatable body member is rotatable around two perpendicular axes relative to said third rotatable body member (see Hiroyasu, Figure 6).

Allowable Subject Matter

Claims 1,4-20,22-27 are allowed.

The following is an examiner's statement of reasons for allowance: As to claim 1, the prior art of record does not teach or fairly suggest a handheld electronic device hinge for mechanically connecting first and second rotatable body members of a handheld electronic device, the hinge comprising a first and second bracket, wherein said second bracket comprises a third connecting member for connecting to the second rotatable body member of the handheld electronic device for rotation around a third axis, said third axis being perpendicular to first and second axes, and wherein said first bracket further comprises a fourth connecting member for connecting to a third rotatable body member of the handheld electronic device, the fourth connecting member enabling the third rotatable body member to rotate about a fourth rotational axis perpendicular to the first and second axes, and wherein the first bracket further allows the third rotatable body member to rotate about the first axis independently of the first rotatable body member, in combination with the rest of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/
Supervisory Patent Examiner, Art Unit
2622

AD
9/10/2010